

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>STEPHEN McCOLLUM, <i>et al.</i>,</b>	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	<b>CIVIL ACTION NO. 3:12-cv-02037</b>
	§	
<b>BRAD LIVINGSTON, <i>et al.</i>,</b>	§	
<i>Defendants.</i>	§	

**LIVINGSTON’S UNOPPOSED MOTION FOR EXTENSION  
OF TIME TO RESPOND TO PLAINTIFF’S MOTION FOR SANCTIONS,  
REQUEST FOR SHOW CAUSE ORDER AND MOTION TO COMPEL**

NOW COMES Brad Livingston, and moves for an extension of time to respond to Plaintiffs’ motion for sanctions, request for show cause order and motion to compel.<sup>1</sup> This motion is unopposed.

Plaintiffs’ motion was filed on Monday May 12. Upon review and consultation with counsel for the Texas Department of Criminal Justice, I concluded that while there were inaccuracies in Plaintiffs’ summary of specific discovery issues, there may have been merit to at least some of their contentions. It is my understanding that TDCJ’s counsel consulted with TDCJ’s Information Technology Department on May 23, and a plan for recovery and disclosure has been developed. Livingston, as the executive director of TDCJ, anticipates joining the response TDCJ expects to file on May 30 in response to Plaintiff’s motion for sanctions. For these reasons, Livingston moves for a continuance to May 30 so as join TDCJ’s response to Plaintiffs’ motion.

Plaintiffs are unopposed to the granting of this motion and counsel for all Defendants have been working with them to attempt to resolve at least some of the issues currently before

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<sup>1</sup> D.E. 164

the Court. Livingston does not seek to delay the proceedings in this case, but only to a short extension until Friday, May 30, 2014, to file his response.

Respectfully submitted,

**GREG ABBOTT**

Attorney General of Texas

**DANIEL T. HODGE**

First Assistant Attorney General

**DAVID C. MATTAX**

Deputy Attorney General for Defense Litigation

**KAREN D. MATLOCK**

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/s/ Demetri Anastasiadis

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**ATTORNEYS FOR DEFENDANT**

**BRAD LIVINGSTON**

### **CERTIFICATE OF CONFERENCE**

On May 27, 2014, I conferred by telephone with Jeff Edwards, Plaintiffs' counsel, and he is unopposed the brief extension requested herein. In addition, none of the counsel for any of the co-defendants is opposed.

/s/ Demetri Anastasiadis  
**DEMETRI ANASTASIADIS**  
Assistant Attorney General

### **NOTICE OF ELECTRONIC FILING**

I, **DEMETRI ANASTASIADIS**, Assistant Attorney General of Texas, do hereby certify that I have electronically submitted for a copy of the foregoing for filing in accordance with the Electronic Case Files system of the Northern District of Texas on this the 27<sup>th</sup> day of May, 2014.

/s/ Demetri Anastasiadis  
**DEMETRI ANASTASIADIS**  
Assistant Attorney General

### **CERTIFICATE OF SERVICE**

I, **DEMETRI ANASTASIADIS**, Assistant Attorney General of Texas, do hereby certify that I have served all counsel and or pro se parties of record electronically or by another manner authorized by FED. R. CIV. P. 5 (b)(2).

/s/ Demetri Anastasiadis  
**DEMETRI ANASTASIADIS**  
Assistant Attorney General